

REMARKS

Claims 1-32 and 49-62 are currently pending, all of which stand rejected. No amendments to the claims or specification of the present application have been made herein. Reconsideration of the subject application is respectfully requested in light of the following remarks.

Summary of Telephonic Interview

Applicants would like to thank Examiner Reza for taking the time to discuss the present application with the Applicants' representatives on August 16, 2007. During the interview, the Applicants' representatives asserted that neither reference relied on in the obviousness rejection described the "comparing" and "establishing" features of independent claims 1, 17, and 49. The Examiner agreed to review the Bathrick and Marino references cited in the non-final Office Action mailed June 12, 2007 to determine whether they taught or suggested the "comparing" and "establishing" features recited in the pending claims.

Additionally, Applicants' representative pointed out that the non-final Office Action indicated it was a "non-final" in the Office Action Summary, but later indicated it was "final" in the Conclusion. The Examiner clarified that the Office Action was, in fact, non-final.

Rejections based on 35 U.S.C. § 103(a)

Claims 1-32 and 49-62 were rejected under 35 U.S.C. § 103(a) for being obvious in view of the combination of U.S. Patent Number 5,010,572 to Bathrick et al. (hereinafter referred to as "Bathrick") in view of U.S. Patent Number 5,530,758 to Marino, Jr., et al. (hereinafter referred to as "Marino"). Applicant respectfully traverses this rejection for the following reasons.

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §§ 2143-2143.03. In particular, "the prior art reference (or references when combined) must teach or

suggest all the claim limitations” in order to establish a *prima facie* case of obviousness. MPEP § 2143. But the combination of Bathrick and Marino does not teach or suggest all of the features recited in claims 1-32 and 49-62. Therefore, these references cannot support a *prima facie* case of obviousness.

Independent claim 1 recites a method for automatically negotiating a security protocol, comprising, in part, “comparing a **first protocol set** associated with the internal node to a **second protocol set** associated with the external node; and establishing a secure connection between the external node and the internal node **when a matching protocol between the first protocol set and the second protocol set is found.**” (emphasis added). In other words, protocols used to communicate with the internal node are compared with protocols used to communicate with the external node. For example, the internal node may be configured to transfer data using either the transfer layer security (TLS) protocol or the secure socket layer (SSL) protocol; whereas, the external node may be configured to use either the SSL protocol or a Kerberos-based protocol. *See Specification*, ¶ 0006. The “comparing” feature recited in claim 1 would detect whether the internal and external nodes could communicate information using a common protocol (e.g., the SSL protocol). Furthermore, claim 1 also recites establishing a secure connection between the internal and external nodes if a matching protocol (SSL in the above example) is detected.

Bathrick describes a networked system of computers (nodes) that are configured to transfer data between one another. The nodes described in Bathrick are configured to receive a “protocol data unit,” which includes the address of the end-system (destination node) and an identification of a security protocol for transmitting information to the end-system. *See Bathrick*, col. 1, line 53–col. 2, line 16; col. 3, lines 16–41; col. 4, lines 37–40. Contrary to claim 1, the nodes described in Bathrick

only compare the **addresses** of end-systems included within the protocol data unit before establishing connections to other nodes. *See Bathrick*, Abstract, col. 1, line 53–col. 2, line 16; col. 3, lines 16–60; col. 4, lines 37–40. At best, Bathrick describes comparing an address of an end-system with an end-system protocol specification. *See Bathrick*, col. 4, lines 37–40. Yet, Bathrick fails to teach or suggest comparing the protocols supported by a sending node with the protocols supported by a receiving node, and then establishing a secure connection if the two support matching protocols.

Furthermore, Marino fails to teach or suggest the “comparing” or “establishing” features of claim 1. Rather, Marino describes transferring data between multiple nodes by exchanging **security certificates** between the kernels of different nodes. *See Marino*, col. 3, lines 40 - 55. These security certificates are used along with network address information to establish a connection between the kernels of disparate nodes. *See Marino*, col. 6, lines 7-24. Thus, Marino does not disclose comparing protocol sets or establishing a connection between different nodes when matching protocols are found, as recited in claim 1.

Therefore, the combination of Bathrick and Marino fails to teach all of the features of claim 1. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 1.

Independent claim 17 recites a system for automatically negotiating a security protocol, comprising, in part, a negotiation engine configured to: (1) compare a “**first protocol set** associated with an internal node” to a “**second protocol set** associated with an external node,” and (2) establish a secure connection between the external node and the internal node **when a matching protocol between the first protocol and the second protocol is found.**” (emphasis added). As previously mentioned, Bathrick discloses nodes that transmit data to other nodes by comparing addresses of end-systems, not supported protocols. And Marino merely discloses exchanging digital certificates

to effectuate the transmission of data between nodes. Thus, neither Bathrick nor Marino teach or suggest a negotiation engine that compares multiple protocol sets or establishes a secure connection between multiple nodes when a matching protocol is found. Therefore, Applicant respectfully requests withdrawal of the § 103(a) rejection of claim 17.

Independent claim 49 recites one or more tangible computer-readable media having computer-executable instructions configured to execute a method for automatically negotiating a security protocol, the method comprising, in part, “comparing a **first protocol set** associated with the internal node to a **second protocol set** associated with the external node; and establishing a secure connection between the external node and the internal node **when a matching protocol between the first protocol set and the second protocol set is found.**” (emphasis added).

As previously mentioned, the combination of Bathrick and Marino fails to teach or suggest a method of comparing a first protocol set associated with a node to a second protocol set associated with a second node. Furthermore, neither Bathrick nor Marino teach or suggest establishing a secure connection between the aforementioned nodes when a matching protocol is found in the two lists. At best, Bathrick describes comparing an address of an end-system with an end-system protocol specification. *See Bathrick*, col. 4, lines 37-40. Bathrick does not disclose comparing protocols supported by a sending node with the protocols supported by a receiving node, and then establishing a secure connection if the two support matching protocols. Furthermore, Marino describes transferring data between multiple nodes by exchanging **security certificates** between the kernels of different nodes, not comparing protocols supported by individual nodes, as recited in claim 49. *See Marino*, col. 3, lines 40 - 55. Therefore, neither Bathrick nor Marino, either alone or in combination, describes a computer-readable medium configured to execute instructions to perform, in part, the

“comparing” or “establishing” features of claim 49. Accordingly, Applicants respectfully request withdrawal of the § 103(a) rejection of claim 49.

“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03 (citation omitted). As previously mentioned, the combination of Bathick and Marino fails to teach or suggest all of the features recited in independent claims 1, 17, and 49. Therefore, Applicant respectfully submits that dependent claims 2-16, 18-32, and 50-62 are nonobvious based, at least, on their dependency from one of claims 1, 17, or 49.

CONCLUSION

For the foregoing reasons, claims 1-32 and 49-62 of the subject application are believed to be in condition for allowance. Such favorable action is respectfully requested. No fee is believed due in connection with this Amendment, but the Commissioner is hereby authorized to charge any additional amount required or to credit any overpayment to Deposit Account No. 19-2112.

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Respectfully submitted,

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